

**TOWN OF NEW HARTFORD
PLANNING BOARD MINUTES
FRIDAY, MAY 26, 2023
TOWN OF NEW HARTFORD MUNICIPAL OFFICES
8635 CLINTON STREET, NEW HARTFORD, NEW YORK**

The Regular Meeting was called to order by Chair Heather Mowat at 4:30 P.M. at which time the Pledge of Allegiance was recited. In attendance were Board Members John Latini, Wilmar Sifre, Lisa Britt, and James Decker. Board Members absent: Julius Fuks, Jr. and Manzur Sikder. Also, Contract Town Engineer John Dunkle; Special Counsel William Schmitt; and secretary Dory Shaw.

Minutes of the November 14, 2022 Planning Board meeting were addressed. Motion was made by Board Member John Latini to approve these minutes as written; seconded by Board Member Lisa Britt. Board Member James Decker abstained. Others all in favor.

The final review application of **Clifford Fuel Company, Inc. (Cliff's Market) to redevelop property located on the corner of Kellogg Road and Oneida Street in the Town of New Hartford**. They are proposing to redevelop this property to include a new convenience store in addition to the existing gas pump island. There are several Area Variances proposed for this property, i.e. setback requirements, impervious surface area, entrance and exit driveways widths, possible signage and canopy requirements, exit and entrance driveways specifically for gasoline service stations (which were approved at the Zoning Board meeting of March 23, 2023); Tax Map #339.016-1-73; Zoning: C2 Commercial Retail Business. Mr. Jim Hagan of Hagan Architects, Attorney William Schmitt (representing the Town of New Hartford), and Peter Tamburro, representing Clifford Fuel Company, Inc., appeared before the Board.

Mr. Hagan stated the plan is basically the same as previously submitted. Existing pump islands, new store, two points of entry to the front and one in the rear. He addressed primary issues of storm water and flood water (as a result of this, they submitted revised drainage study plans. As a result of this, their engineer came up with how to address concerns on storm drainage.

- 1) He addressed the north end of the site, box culvert 36" pipe from northwest corner parallel to north property line which would work. They've held meetings with National Grid and the work proposed is minor grading and paving – no issues with them. Asked them to send test holes to see where their lines are.
- 2) Drainage: northwest corner – installing new structure to connect all the lines and a drainage easement dedicated to the Town. This will back up the flow to the pipes.
- 3) Storm drainage system: it was determined they can go to narrower chambers. In addition, because of what they are doing with back flow protection, there is no flooding – two area drains. Also, picking up roof drainage. They will meet the criteria of 10% reduction. (Town contract engineer John Dunkle agrees with this). Mr. Dunkle explained the 8" pipe coming out of the storage tanks.

- 4) Sanitary Sewer: there are existing laterals that are on the site now. So no work being done on Oneida Street. They will be doing some work raising curbs because of the change of entrance. Existing curbing on Oneida Street. Board Member Lisa Britt addressed water flowing to the street – Mr. Hagan explained that with the new structure they will regrade to run away from the property line and control runoff. Chair Mowat asked if it will be concrete curbs – yes. Mr. Hagan also mentioned they will not be doing any work in the right of way on Kellogg Road curbing – it will remain as is and the County is satisfied. Board Member Latini asked if curbing area is more open - Mr. Hagan said no, it is the same. They will be putting a curb around the landscape area. Trucks will be coming in and unloading and going back out to Oneida Street – times vary. Mr. Dunkle asked if new gas tanks – answer yes. Mr. Hagan said they can't relocate them because of the turning radius – it doesn't work. This is the most reasonable option for the site to work.

Chair Mowat asked whether any kind of commitment that trucks can come in and out at a certain time. She is concerned about a high volume time, especially with school buses. Mr. Tamburro said the trucks usually come around 6-8 AM. Chair Mowat asked for some type of commitment that the trucks do not come in and out around school bus time in the AM, and PM. Mr. Hagan and Mr. Tamburro said they would work on getting a commitment in writing so as the trucks do not interfere with school bus times.

- 5) Curbing along Oneida Street and along the west edge of the property and the back service area. Chair Mowat to John Dunkle, there is concrete curbing there. She will check with Highway Superintendent Rick Sherman regarding granite curbing. Board Member James Decker asked if they were reducing the stream channel at all – answer no.
- 6) Design of the building has not changed. Just minor things to the floor plan. Exterior will be as previously presented, two signs on the building as approved by the Zoning Board of Appeals. Hours of operation is 24 hours a day. LED fixtures, 15' poles, 4 fixtures out in front and soffit lighting, wall packs at the rear of the building.

Mr. Dunkle addressed the traffic study as mentioned by Board Member Decker – the County is doing a study on Kellogg Road and it will take a couple of years. As a result, our plan does not show sidewalks along Kellogg Road – he had discussions with NYSDOT. The sign there now will stay the same. There are no pedestrian facilities and that is beyond our control. Mr. Hagan said there hasn't been any definite decision on Kellogg Road sidewalks, bike lanes, etc. Chair Mowat said the County is well aware of the sidewalk, bike lanes, roundabouts, etc. The County is applying for grant funds. He further stated that the project has reduced storm water by 10%. Mr. Dunkle wants to make sure we mitigate their site impact. He feels they have done that with reducing the flows. He presented a sketch of how it flows and explained the flows. There are three different types of flood events in this area. We have accomplished one of these – the other two are out of our control. This project will not make it worse. They have adequately addressed the concerns on this site. Other conditions on this site are out of our control.

Chair Mowat said sidewalks is a big issue especially crossing at the Town signal – she will get in touch with Highway Superintendent Rick Sherman about this.

Attorney William Schmitt asked if we mailed out a notice that we are Lead Agency for this project for them to respond - answer yes. This is an Unlisted action and full SEQR wasn't necessary. Part II of SEQR will be completed tonight and made a part of the file.

Board Member Britt asked what kind of trucks go in the back driveway - garbage trucks and maybe a delivery. The turning radius is good.

At this time, Contract Engineer John Dunkle and the Board Members addressed the Part II - Impact Assessment (see file for hard copy):

- 1) Will the proposed action create a material conflict with an adopted land use plan or zoning regulation - No
- 2) Will the proposed action result in a change in the use or intensity of use of land - No
- 3) Will the proposed action impair the character or quality of the existing community - No
- 4) Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? No - N/A
- 5) Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? Yes, but there is a threshold - small impact
- 6) Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? - No
- 7) Will the proposed action impact existing: a) public/private water supplies - No; b) public/private wastewater treatment utilities - No
- 8) Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources - No
- 9) Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna? - No
- 10) Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems - it is mitigated
- 11) Will the proposed action create a hazard to environmental resources or human health? - No

Motion was made by Board Member John Latini that the Planning Board as Lead Agency declare this project known as Clifford Fuel Company, Inc. (Cliff's Market) as an Unlisted action and based on Part II declared a negative declaration; seconded by Board Member Wilmar Sifre. All in favor.

Motion was made by Board Member John Latini to grant Final Approval of the site plan for the Clifford Fuel Company, Inc. project based on the following:

- 1) They get permission from National Grid to work in their right of way
- 2) Final engineering plans need to be stamped and reviewed before any Building Permit is issued
- 3) Delivery fuel truck issues/times be submitted in writing so as not to have deliveries during school bus schedules in the morning and afternoon
- 4) Retaining wall design needs to have a Professional Engineer stamp for a Building Permit
- 5) Drainage and traffic study needs to be finalized
- 6) Erosion and sediment plan needs to be included before a Building Permit is issued

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Seconded by Board Member Wilmar Sifre. Vote taken:

Chair Mowat - yes
Board Member Wilmar Sifre - yes
Board Member James Decker - no

Board Member John Latini - yes
Board Member Lisa Britt - yes

Motion **passed** by a vote of 4 - 1.

Motion to adjourn made by Board Member Wilmar Sifre; seconded by Board Member James Decker at approximately 5:30 P.M.

Respectfully submitted,

Dolores Shaw, Secretary
Planning Board

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